

103^D CONGRESS
1ST SESSION

H. R. 3268

To amend title 18, United States Code, to reform the laws relating to
Federal firearms licenses and licensees.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 1993

Mr. COMBEST (for himself, Mr. OBERSTAR, Mr. EMERSON, and Mr. SARPALIUS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to reform the laws
relating to Federal firearms licenses and licensees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Firearms Li-
5 cense Reform Act of 1993”.

6 **SEC. 2. PREVENTION OF THEFT OF FIREARMS.**

7 (a) PROHIBITION AGAINST LABELLING OF CONTAIN-
8 ERS CONTAINING FIREARMS.—Section 922(e) of title 18,
9 United States Code, is amended—

10 (1) by inserting “(1)” after “(e)”; and

1 (2) by adding at the end the following:

2 “(2) It shall be unlawful for any common or contract
3 carrier to require or cause to be placed on the outside of
4 any package, luggage, or other container any label, tag,
5 or other written notice that the package, luggage, or other
6 container contains a firearm.”.

7 (b) DUTY TO OBTAIN WRITTEN ACKNOWLEDGE-
8 MENT OF RECEIPT OF CONTAINERS CONTAINING FIRE-
9 ARMS.—Section 922(f) of such title is amended—

10 (1) by inserting “(1)” after “(f)”; and

11 (2) by adding at the end the following:

12 “(2) It shall be unlawful for any common or contract
13 carrier to deliver in interstate or foreign commerce any
14 firearm without obtaining written acknowledgement of re-
15 ceipt of the firearm from the recipient of the firearm.”.

16 (c) PERSONAL TRANSFER OF FIREARMS BETWEEN
17 LICENSEES OUTSIDE THEIR BUSINESS PREMISES.—Sec-
18 tion 923(c) of such title is amended by inserting after the
19 1st sentence the following: “Notwithstanding any other
20 provision of this chapter, a person licensed under this sec-
21 tion may, in person, transfer or deliver firearms to, and
22 receive firearms from, another such person at any location
23 without regard to the State specified on the license.”.

24 (d) PROHIBITION AGAINST STEALING FIREARMS
25 FROM CERTAIN LICENSEES.—

1 (1) PROHIBITION.—Section 922 of such title is
2 amended by adding at the end the following:

3 “(s) It shall be unlawful for a person to steal, unlaw-
4 fully convert, or take by fraud from the person or the
5 premises of a licensed importer, licensed manufacturer, or
6 licensed dealer any firearm in the business inventory of
7 the licensee which has been shipped or transported in
8 interstate or foreign commerce.”.

9 (2) PENALTIES.—Section 924 of such title is
10 amended by adding at the end the following:

11 “(i)(1) Whoever knowingly violates section 922(s)
12 shall be fined not more than \$10,000, imprisoned not
13 more than 10 years, or both.

14 “(2) Whoever, during and in relation to a robbery (as
15 defined in section 1951(b)(1)) or riot (as defined in sec-
16 tion 2102(a)), knowingly violates section 922(s) shall be
17 sentenced to imprisonment for 30 years, or, if a death re-
18 sults, to life imprisonment without release or to death.”.

19 **SEC. 3. 3-YEAR LICENSE TO DEAL IN FIREARMS; INCREASE**
20 **IN APPLICATION FEE.**

21 Section 923(a)(3) of title 18, United States Code, is
22 amended—

23 (1) in subparagraph (B)—

24 (A) by striking “who is a pawnbroker deal-
25 ing”; and

1 (B) by striking “\$25 per year; or” and in-
2 serting “\$150 for an original license for 3
3 years, or \$75 for the renewal of a license for 3
4 years.”; and
5 (2) by striking subparagraph (C).

6 **SEC. 4. FEDERAL FIREARMS LICENSEES REQUIRED TO**
7 **REPORT THEFT OF FIREARMS FROM THE**
8 **INVENTORY OR COLLECTION OF THE**
9 **LICENSEE.**

10 Section 923(g) of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(6)(A) Within 5 business days after a person li-
13 censed under this section discovers the theft of a firearm
14 from the inventory or collection of the licensee, the licensee
15 shall report the theft to the chief law enforcement officer
16 of the place of business of the licensee.

17 “(B) For purposes of subparagraph (A), the term
18 ‘chief law enforcement officer’ means the chief of police,
19 the sheriff, or an equivalent officer, or the designee of any
20 such individual.”.

21 **SEC. 5. RESPONSES TO REQUESTS FOR INFORMATION.**

22 Section 923(g) of title 18, United States Code, as
23 amended by section 4 of this Act, is amended by adding
24 at the end the following:

1 “(7) Not later than 5 business days after a licensee
2 receives from the Secretary a written or in-person request
3 therefor, the licensee shall provide the Secretary with such
4 information contained in the records required to be kept
5 by the licensee under this chapter as may be required for
6 determining the disposition of 1 or more firearms. The
7 licensee shall provide the information orally or in writing,
8 as the Secretary may require.”.

9 **SEC. 6. EXPANDED DEFINITION OF CURIOS OR RELICS.**

10 (a) IN GENERAL.—Section 921(a) of title 18, United
11 States Code, is amended by adding at the end the follow-
12 ing:

13 “(29) The term ‘curios or relics’ means fire-
14 arms so designated by the Secretary by regulation,
15 and firearms manufactured in or before the calendar
16 year 1946 acquired for a personal collection and not
17 as business inventory or for resale for livelihood and
18 profit.”.

19 (b) CONFORMING AMENDMENT.—Section 921(a)(13)
20 of such title is amended by striking “as the Secretary shall
21 by regulation define,”.

22 **SEC. 7. EXPANDED DEFINITION OF ANTIQUE FIREARMS.**

23 Section 921(a)(16)(A) of title 18, United States
24 Code, is amended by striking “1898” and inserting
25 “1918”.

1 **SEC. 8. APPLICANT FOR FEDERAL FIREARMS LICENSE RE-**
2 **QUIRED TO NOTIFY LOCAL LAW ENFORCE-**
3 **MENT AUTHORITIES OF INTENTION TO**
4 **APPLY FOR THE LICENSE.**

5 Section 923(d)(1)(E) of title 18, United States Code,
6 is amended by inserting before the comma the following:
7 “and the applicant has certified on the application that
8 the applicant has sent or delivered notice, on a form pre-
9 scribed by the Secretary, to the chief law enforcement offi-
10 cer (as defined in subsection (g)(6)(B)) of the locality in
11 which the premises are located, that the applicant intends
12 to apply for a Federal firearms license”.

13 **SEC. 9. PROVISION TO LICENSEES OF RULES GOVERNING**
14 **FIREARMS.**

15 Section 926 of title 18, United States Code, is
16 amended—

17 (1) by inserting at the end of subsection (b) the
18 following: “No such rule or regulation shall be effec-
19 tive until 30 days after a copy thereof has been pro-
20 vided to all persons licensed under this chapter.”;
21 and

22 (2) by adding at the end the following:

23 “(d)(1)(A) Upon the effective date of this subsection,
24 the Secretary shall publish and provide to all licensees a
25 compilation of the State laws and published ordinances
26 which are relevant to compliance with this chapter.

1 “(B) Each year thereafter, the Secretary shall pub-
2 lish and provide to licensees all amendments to such State
3 laws and published ordinances.

4 “(2) If the Secretary fails to provide to a licensee the
5 information required to be provided under this subsection,
6 then, in any proceeding for the revocation of the license
7 or any criminal prosecution of the licensee under this
8 chapter, the licensee shall be rebuttably presumed to have
9 had no knowledge of any State law or published ordinance
10 that is relevant to the revocation proceeding or criminal
11 prosecution.

12 “(e)(1) The Secretary shall provide a copy of all regu-
13 lations prescribed and official rulings made under this
14 chapter, and all regulations prescribed and official rulings
15 made under chapter 53 of the Internal Revenue Code of
16 1986, to each person licensed under this chapter—

17 “(A) in the case of a person who became so li-
18 censed before the effective date of this subsection, as
19 soon as is practicable after such effective date; or

20 “(B) in the case of a person who becomes so li-
21 censed after such effective date, upon the issuance
22 of the license.

23 “(2) Not less frequently than quarterly, the Secretary
24 shall provide to each person licensed under this chapter
25 a copy of all changes in the regulations, and all new rul-

1 ings, referred to in paragraph (1) since the most recent
 2 provision of information to the person under this sub-
 3 section.

4 “(f) The Secretary shall publish and provide to each
 5 person licensed under this chapter, at such times as the
 6 Secretary shall deem necessary, the name and license
 7 number of any person whose license under this chapter
 8 has been revoked.”.

9 **SEC. 10. REGISTRATION TO REQUIRE PHOTOGRAPH AND**
 10 **FINGERPRINTS.**

11 Section 5802 of the National Firearms Act is amend-
 12 ed by inserting after the 1st sentence the following: “An
 13 individual required to register under this section shall at
 14 the time of such registration, provide a photograph and
 15 fingerprints of the individual obtained from law enforce-
 16 ment authorities.”.

17 **SEC. 11. ATTORNEY'S FEE PAYABLE IN CASES OF UNAU-**
 18 **THORIZED DENIAL OR REVOCATION OF LI-**
 19 **CENSE.**

20 Section 923(f)(3) of title 18, United States Code, is
 21 amended by inserting “, and shall award the prevailing
 22 party, other than the United States, a reasonable attor-
 23 ney’s fee for which the United States shall be liable” be-
 24 fore the period.

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